

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

2006 OCT 20 A 10: 52

GREG DAVIS, AS NEXT
FRIEND AND NATURAL
GUARDIAN OF JOSHUA DAVIS

PLAINTIFF

VS.

HOUSTON COUNTY, ALABAMA
BOARD OF EDUCATION

DEFENDANT

* DEBRA P. HACKETT, CLERK
* U.S. DISTRICT COURT
* MIDDLE DISTRICT ALA

* CIVIL ACTION No.: 1:06CV953-m
* A Jury is demanded
* E
* F

COMPLAINT

I. Introduction

1. This is an action for money damages instituted to secure the protection of and redress the deprivation of rights secured through the Fourteenth Amendment of the Constitution of the United States of America which provides for the equal protection of all citizens of the United States.

II. Jurisdiction and Venue

2. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. 1331 and 1343 (a)(1).

3. The unconstitutional conduct and acts alleged herein were committed by the Houston County Board of Education in Houston County Alabama. Venue is proper in the Middle District of Alabama pursuant to 28 U.S.C. Section 1391(b).

III. Parties

4. The Plaintiff is the father of a minor child to-wit: Joshua Davis, and they both reside in the Middle District and are citizens of Houston County, Alabama and the United States.

5. The Defendant is a duly authorized agent or political subdivision of the State of Alabama charged with all aspects of the administration of the public schools of Houston County Alabama, and specifically obligated to provide Plaintiff's child a free public education.

IV. Statement of Allegations

6. From the age of 5 years (Kindergarten) Plaintiff's son attended the public school located in Wicksburg, Alabama;

7. Plaintiff's son, Joshua Davis, maintained superior grades and participated in several varsity sports;

8. While participating in a varsity football game (his senior year) on September 16, 2005, Joshua suffered a head injury and displayed symptoms consistent with a mild concussion;

9. His coaches failed to recognize Joshua's peril and as he exited the playing field, Joshua allegedly "bumped" one coach.

10. After a sideline exchange, Joshua was escorted from the stadium by law enforcement and thereafter recommended for expulsion by his Principal and Superintendent;

11. After an administrative hearing, the Defendant Board of Education ignored all evidence of Joshua's injury and sided with the superintendent who asked that Joshua be expelled from the County System;

12. Joshua Davis was thereupon forced to attend a private school, at his expense, in order to complete his senior year and continue his post-scholastic education;

13. Staff of the Wicksburg High School where Joshua attended before his expulsion were the targets of intentional acts by students more egregious than Joshua's un-intentional conduct, but those students received less harsh punishment;

14. The Defendant's conduct toward Joshua Davis was unconstitutionally disparate and punitive, and served to deny Joshua Davis of a free public education as was his right.

V. Claims for Relief

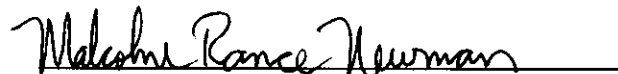
15. Plaintiff avers that the Defendant Board of Education violated Joshua Davis' right to equal protection as granted by the 14th Amendment;

16. Plaintiff avers that Joshua Davis was made to suffer by the Defendant's conduct in that he incurred an expense to complete his high school education that but for the defendant's conduct he would not have incurred;

17. Joshua Davis suffered psychologically and emotionally by the Defendant's conduct in that he was humiliated and stigmatized before his community as a "troublemaker" worthy of expulsion;

18. Plaintiff avers that his son is entitled to compensation for the deprivation of his right to a public education and, for the pain, hurt and suffering he endures due to the Defendant's conduct, in any amount determined by the jury as just, fair and reasonable, in addition to an attorney's fee plus costs of this action.

Malcolm R. Newman, Attorney, PC



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ASB-2826-M39M

Please Serve Defendant:
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